



The DEFENSE RESTS

By Mark O. Steele

THE guard smiled as he opened the gate. Guards always smiled at Max Craiger.

"Hello, Henry," Craiger said. "How's the wife?"

"Fine, Mr. Craiger."

"The warden called you to let us out, I suppose. Here are the papers."

The guard glanced at the order, and finished opening the gate. "It's a happy day for this young man," Craiger went on. "Eh, Robert?"

Robert Trasker grinned. "When it clangs behind me, I'll believe it."

"See that you clang it hard, then, Henry," Craiger said with a chuckle.

"Yes, Mr. Craiger." The guard looked stonily at Robert.

They passed through, and the gate clanged with satisfying noisiness. They walked toward the parking lot. They got into Craiger's car, and he pulled out on to the highway.

"Only one thing worries me," Rob-

Based on a radio script originally written for the CBS radio program *Suspense*.

By Rowland Brown

ert said, as the big car hummed along concrete. "What's your cut in this? I haven't got a dime. You know that. Why did you spring me?"

Craiger chuckled again. "I'm a philanthropist."

He looked like one. Six-feet-two, white-haired, dark-eyed, with a big mouth that wouldn't stay down at the corners. He was dressed the way you'd expect the state's leading criminal lawyer to dress.

"Let's say, Robert, that I have an abiding faith in humanity. I believe that any person with a normal intelligence can be, shall we say, rehabilitated from any given point back to his proper level of existence. I became interested in your writings. I think they're fine. If I can put you back on your feet again—that will be my cut, as you say."

"Well," Trasker said. "There's no point in saying I'm grateful. You know that. Anything is better than that cell."

Craiger slipped the big car expertly between a truck and an oncoming car. "Which brings us down to the present, Robert. What are your plans?"

"Oh, I've got a great career," Robert said bitterly. "Ex-con. That's me. Everybody's going to break his head offering me a good job."

"Seriously, Robert."

"Well, I haven't thought too much about it. I want to keep on writing, but this group of magazines I've been sending my stuff to doesn't pay much. Prestige, sure. But prestige can't be put in a sandwich. A lot

of people think it's wonderful when a convict can write tender-bitter things about how kids grow up. But the boys who sign the checks don't let this enthusiasm leak out through their pens."

"I take it, then, you'd like a part-time job, or at least a job that doesn't take so much out of you that you can't write on your own time?"

"Yeah. That's about it."

"Then I have one for you. Clerk in my office."

Robert's dark face broke into a wry smile. "Santa Claus. Thanks, Mr. Craiger."

"You'll take it?"

"Hell, wouldn't you?"

"Good man! But, Robert—" Craiger broke off in thoughtful silence and pulled down his heavy brows. "If you'll pardon a piece of friendly advice, old man . . ."

"Sure, shoot."

"It's just that—you sound bitter, my boy."

"Who wouldn't, after two years in that hole?"

"But that's just the point, Robert. You're not in it any longer. There's no reason for bitterness now."

"Nuts," Robert said. "I can hate what was done to me, can't I? Who the hell am I supposed to be, Pollyanna?"

"I can certainly understand your feeling, Robert. But let's face reality. You're out. On parole, true, but out. The conditions which made you bitter no longer exist. Holding grudges only wastes energy that can be put to better use."

"I don't hold any grudges, Mr. Craiger. There's one man I hate, and I'll get even with him, but that's all."

"Hate? Does that accomplish anything?"

"I don't know." Robert's long face set. "I don't give a damn. I know I'll hate Arthur Hines as long as I live."

Craiger drove in silence for a mile or so, and gnawed at his underlip occasionally. "Hines was the district attorney," he said finally, "hired to do a job. Maybe you don't understand about district attorneys."

"I understand about him, all right. I had nothing to do with that watchman being killed, but he hung it on me."

"That's what I mean, Robert. It's true that you had no idea those boys were bent on robbing the warehouse, but you were along with them. In the strict sense of the law, you were equally guilty. The ordinary man in the office of D.A. believes in the law at its strictest. He's out to make a record of convictions, not to get justice. Everyone indicted by his office is guilty, in his eyes, and should be given the maximum sentence."

"Just what are you asking me to do?" Robert asked heatedly. "Forgive him because he can't help being a rat? Me, I kill rats any time I can get close enough to one."

Craiger sighed. "As I say, your feeling is natural. But Robert, you're above the average. You have it in you to adjust your life as though all this had never happened, to turn your

experience to future profit instead of stewing in the past. That's the truly adult attitude."

Robert sat quietly as they drove through low brown hills which flowed between them and the sea. He put his mind on Craiger's argument. There was no opposing it on rational grounds, of course. Hines had seen his duty and done it. It had been a tough rap, but it was over now. Those nights of pacing his cell, railing at fate, cursing Hines, were in the past. If he maintained his attitude of that period, he was, in effect, still living in the past. Whereas, actually, the future stretched ahead of him. He was no longer that kid who took a bum rap. He was Robert Trasker, law clerk.

"I guess you're right," he said. "Okay, I'll stop hating him or anything that happened, if I can."

"Now you're talking like a man, Robert." Craiger chuckled. "And I'm sure you'll get along with him all right."

"Huh? Who?"

"I hadn't mentioned before, Robert, that Arthur Hines and I are law partners."

Robert put a hand out toward the door handle. "I'll be leaving now, Mr. Craiger. You can slow down or not. Thanks for everything you've done."

Craiger immediately brought the car to a stop. "Just a second, Robert. You're of age, and can do anything you please. If you're bound to be a child, I hope you're happy with your toys. Where to?"

"Anywhere but the same office with Hines."

"But where?"

"Hell, I'll wash dishes, sweep floors."

"For whom?"

"Somebody'll give me a job."

"And what's your objective? To build a future you'll be happy in, or to eke out a miserable existence which will eventually put you behind bars again? Ex-convicts have a rough time, Robert, even if they served time for something they didn't do. There's always the suspicious glance, the whisper behind your back, the open contempt. You'll never get away from it, without help. Think it over."

Robert made no attempt to get out. He sat, stone faced, and looked down the highway. He thought of producing identification for a prospective employer. "Ex-con? Sorry, nothing open, Ex-con. You can't work for me, bud."

And so on.

"Okay, Mr. Craiger. Drive on."

Craiger & Hines were located on the fifth floor of a modern building across from the Hall of Justice. They were furnished in quiet good taste, had modest gold lettering on doors, and the latest magazines were racked neatly in the reception room.

This was presided over by Peggy Larramie, a pretty blonde with wide blue eyes, and long, tanned legs. She was quiet at all times, she smiled rarely, and was as efficient as a gyroscope in maintaining an even course

through her daily life.

She knew all about Robert, and he expected her to treat him with condescension.

She treated him simply as if he were a human being.

"It might be simpler," she told him on his first day, "if we called each other Robert and Peggy. 'We're on the same menial level.'"

He had no chance to reply. Her switchboard buzzed, and she answered in the same matter-of-fact voice she'd used to him. It was a pleasant voice, with undertones of warmth.

"Craiger and Hines . . . I'm sorry, Mr. Hines is out of town . . . In about two weeks. Thank you."

Robert breathed a small sigh of relief. The inevitable meeting was postponed. During his period of grace, he might be able to arrange his attitude so that his continued stay might be pleasant.

He liked the office. He liked Craiger, who was always quick with a word of encouragement, advice, or just friendly greeting. He liked Peggy. Period.

After he had been settled in a small furnished room and accepted the loan of a portable typewriter from Craiger, he wrote at night.

It was slow going. He knew what he was trying to say, but he had none of the facility of the professional craftsman. He bled, mentally, as the words went slowly on to the paper, but he stuck at it.

He took the first draft of his first story to Peggy, on the pretext of ask-

ing for criticism, but really to show her that he was on the job of carving his future. Her attitude toward him took on a subtle difference after she'd read it; the undertones of warmth came closer to the surface. But still she never smiled.

This was a pleasant period for Robert, so pleasant that he had nearly forgotten Hines was coming back when one morning he happened to hear Peggy say into the phone that Mr. Hines was in conference.

"He's back?" Robert asked.

She inclined her head toward Hines' door, through which came an indistinguishable mutter.

"Relax," she advised.

Robert discovered that he'd gone tense, with clenched fists. He smiled, and then noted Peggy's eyes.

They were wide. Her mouth was thin, and her long fingered hands moved nervously over the keys of her board.

"Why don't *you* relax?" he said. "What's the matter? Something wrong?"

"No," she said quickly. "Nothing. I'm just jumpy, I guess."

"Does Hines always affect you that way?"

"It isn't Mr. Hines. It's nothing, really."

"Look," Robert said. "I know that tone of voice too well. Something's happened. Can I help?"

"No, thank you, Robert."

He shrugged. "Okay." He turned to go out. Loud, angry words in Hines' office stopped him. They came clearly through the door.

Robert recognized the voice of the ex-D.A. "No! Don't you understand English? No!"

Another voice said: "You're a liar!"

"Get out!" Hines said. The door was flung violently open. Hines was holding it.

"Get out! And stay out!"

A slender, middle-aged man with a sullen face walked insolently through the door. He stopped halfway through and looked at Hines. His voice was quiet now, like a knife in the ribs.

"You've either got it or you know who has, Hines."

Hines' normally light voice went up almost to a squeak of rage. "I don't know anything about it and I don't want to know. Don't you think I got enough trouble nowadays keepings mugs like you out of the pen without fencing stuff you stole? Now get the hell out of here, or I'll have you pinched!"

The slender man twisted something that was like a smile at the little lawyer.

"Okay," he said. "But I'll be back. Fifty thousand dollars is a lot of dough."

He went out. Hines glared at the door, then transferred his attention to Robert. "Well," he asked, "what the hell do *you* want?"

Robert looked at him, remembering every detail—the light voice that could be so crisp and devastating, the rat-like face that could grimace and smile, the thinning blond hair, the neat dress.

"I don't want anything," Robert said levelly.

"Mr. Hines," Peggy broke in. "Robert works here."

"My name's Robert Trasker," Robert said. "Didn't Mr. Craiger tell you?"

Hines rubbed his sharp chin with one hand, and narrowed his eyes in thought. His thin mouth curled down at one corner.

"I knew I'd seen you before," he said, and his voice was now an insult. "You're the punk kid I sent up on that warehouse killing. And for ten years. What are you doing snooping outside my office?"

Hang on to yourself, Robert said inwardly. Hang on to yourself.

"Mr. Craiger got me out and gave me a job—"

"Spying on me?"

"Not any such thing!" Robert said indignantly.

"Don't talk back to me, you little jail rat," Hines spat.

There was a short silence. Robert broke it by walking toward Hines. "Don't talk to me like that."

Peggy jumped up from the switchboard and grabbed him. "Robert! Don't—"

He jerked loose.

"Let me alone," he growled.

Craiger's door burst open, and the big man came plunging into the room. He planted himself in front of Robert. "Now what is all this?" he asked affably.

"Get outa the way," Robert said without moving his lips.

Craiger took Robert's arms, held

him. "Be calm, Robert. Get that light out of your eyes." He turned to Hines. "What's the matter?"

Hines was insolent. "What's the idea of bringing this stir bug into the office, Max? Why didn't you ask me?"

Craiger took on his courtroom manner. "Suppose we all just relax and thresh this out." He waited, smiling genially, and the tension in the room ebbed and sank.

"Now," Craiger said pleasantly. "I gave Robert a job because I thought he was a good man, Art. He has proved himself so. And the best thing all of us can do is get along. It doesn't cost anything to let bygones go, you know."

Hines glared for a moment. His face finally lost its set look. Not that he seemed friendly; he just wasn't murderous any longer.

"Keep your pet out of my way, Max, and keep him from eavesdropping outside my office when I'm in a private conference. The last time I saw him, he was on his way for a ten-year stretch in the pen, where he belonged. Now he's your protegee. Okay, that's your business. You're the senior partner. But keep him from under my feet, or I'll step on him."

"You wait a minute!" Craiger snapped. "He wasn't eavesdropping. He was here where he belongs. He relieves Peggy on the switchboard while she goes to lunch." Craiger dropped his belligerence. "Look, fellows. Art, do you have anything against Robert?"

"Me? Why should I? I don't give a damn about the punk."

"All right, then. Robert Trasker is one of the finest and most gifted young people I know. I want to see him get a new start, and go places. And I want him to get along here. Do you understand, Arthur?"

"I can get along with anybody," Hines said, "as long as they keep out of my hair. Look, I've got to be in court."

"Wait a minute, Art. Will you two shake hands and forget your differences?"

"Some other time," Hines said, and went out.

"Robert," Craiger said, "will you come into my office for a moment?"

Inside, Craiger waved Robert to a chair.

"Robert, I'm so sorry this happened. I hadn't had time to tell him . . ."

"It doesn't matter," Robert said dully. "I'm through here anyway."

Craiger was silent. He leaned back and looked at Robert.

"So," he said with a tinge of fatherly contempt, "you're going to let this throw you. You can't pass the test which will mean that you can get over the greatest obstacle you'll run up against in your adjustment. If you had got over this, you'd be free—free of your shame and resentment forever. But—" He shrugged his massive shoulders. The shrug classified Robert with infants.

Robert flushed. "I don't like him, and he doesn't like me."

Craiger leaned forward earnestly.

"He has a great many things on his mind, Robert. Like this fellow Marvin, and his fifty thousand dollars . . ."

"What's that to do with me?"

"Nothing, but it illustrates Hine's state of mind at the moment. Hines has three cases running concurrently, through a court calendar mix-up, and then this Marvin comes in, fresh out of prison, and demands this money. He had quite a bit of money when he went in. Oh, he stole it, I guess."

"So he thinks Hines hijacked it?"

"Well, in a way. He says he left it with a pal of his. Gallucci. You may remember—"

"Gallucci was killed in a gun fight."

"That's the one. As Gallucci was dying, he told a pal he'd left the money with Hines. Marvin believes it; he's been pestering Arthur for it. So you can see why he's worried, and with plenty of reason. It's no wonder he blew up at you. But he didn't mean it. He's really a nice fellow at heart."

Craiger chuckled. "Hines was probably a little scared, too."

Robert smiled. "Don't blame him. That guy meant business." He became serious again. "What you're trying to say is it would be better for me to stay here?"

"Have I ever given you a bum steer, Robert?"

"No. And I've got to trust somebody."

Craiger clapped him on the shoulder and went to the corridor door. "I'm due in court. Keep your chin

up, Robert."

Robert went into the reception room to find Peggy on the verge of tears.

"Hey," he said. "What cooks?"

"I'm so scared, Robert!"

"Of Hines? Don't be silly."

"No, not of him. It's—oh, I've got to tell somebody. I'd die if Mr. Hines or Mr. Craiger ever knew—"

"They won't," he said crisply. "What is it?"

"You saw that man who was here arguing about the money? Well, there *is* fifty thousand somewhere."

"Yeah? How do you know about it?"

"I know, and I'm scared. He's a killer."

"Marvin? I wouldn't be surprised. But how *do* you know?"

"He's my brother."

HE TOLD himself then he'd lam out of there. Something was building up, it was going to blow one of these days, and he'd be caught right in the middle. Ex-con. Weren't they always in the middle? All you needed was some legal unpleasantness, and if an ex-con was handy, the big finger was on him.

There was Peggy. She was worried, in trouble. God knows what *he* could do for her. He'd never even held her hand. But there *was* Peggy. Period.

And there was Craiger. You can't let a guy down when he's the only guy who ever went out of his way for you.

He wavered on the fence for two

weeks. When he met Hines, he nodded or looked the other way. Hines never seemed to see him. It wasn't an armed truce; it was a silent exchange of insult. When Hines went out of town for a few days at the end of this period, Robert could grin at Peggy again. Once, she almost returned his grin.

On the day Hines was due back, Harry Marvin came in again. It was about noon, when Robert was relieving her. She turned at the sound of the door, and her mouth went white.

"Harry!"

The slender man paid no attention to her tone or expression. He was all business. "Where is he?"

"Oh, Harry, I begged you not to come back!"

"Sure, sure, I know. Always the little pal." He became aware of Robert. "Hey, what does this guy know?"

"I told him," she said, "that we were—that you're my brother. What difference does it make?"

"None," Harry Marvin said. "I only care about one thing." He looked straight at Robert. "That is, if you keep your yap shut, punk."

Robert started out of the chair. "I don't like that word."

"Don't, Robert!" Peggy said hurriedly. "Harry, I have something to say to you in private. Please."

"Just a minute," Harry Marvin said. He raised his eyebrows at Robert. "Did you want something?"

Robert's answer was to Peggy's agonized expression. "Not just now."

"Okay. Now, Peggy, where's Hines?"

"He's out of town, Harry. Honest."

"Then I'll wait till he comes back."

"Harry, please, *please* let me tell you a couple of things first." She dragged him to the door. "We'll be down in the restaurant, Robert."

When they were gone, the feeling of imminent explosion returned to him. But he sat waiting. Just waiting. The switchboard buzzed.

"Craiger and Hines."

"That you, Robert? Max Craiger. Listen, Robert, I'm in Judge Andrews' court, just across the street. I find I've left some important notes in the office. Listen carefully, now. They're in Hines' office, on a sheaf of yellow paper in my own handwriting, plainly marked 'Ellsworth.' I don't remember exactly where, but I want you to find them and bring them over here in a hurry."

"Okay, Mr. Craiger."

He went into Hines' office, a replica of Craiger's. He searched the desk, top and drawer. He looked through the baskets. He moved everything that would move, and went on to the filing cabinet. He opened envelopes, searching for a sheaf of yellow paper. He tried the safe next, but it was locked and he didn't have the combination. He gave one last look around the office.

He saw the papers, on top of the filing cabinet, barely above eye level.

He was reaching for them when a remembered voice rasped behind him:

"What are you doing in here?"

Robert whirled, papers in hand.

"Mr. Craiger wanted some papers," he said.

"I thought I told you to stay out of my office," Hines said levelly.

"But Mr. Craiger told me to look in here for—"

"Yeah?" Hines came inside and regarded Robert with a thoughtful sneer. "Something damned funny going on around here."

"There's nothing funny at all. Mr. Craiger—"

"I say there is!" Hines interrupted.

"What's the switchboard girl doing, sneaking around the lobby with Harry Marvin? First she turns out to have a crazy ex-con for a boy friend, and now—"

"That isn't true. He's her brother."

"Oh, so that's it?" Hines said with triumphant sweetness. "She and her brother go downstairs to get an alibi, knowing I'd suspect them, and get you to do their dirty work for a nice fat cut. Well, you didn't find it, did you, you dirty little punk?"

"Don't talk that way, Mr. Hines."

"Shut up, you thieving little bastard! I'll talk any way I—"

Robert let one go from the floor, and it caught Hines square on the jaw. The attorney dropped like he'd been shot through the heart and lay still.

So this was it. He should have left when he had the hunch. Well, he was through now, that was for sure. No office would be big enough for him and Hines, as soon as Hines came to.

Robert shrugged, went through the door and closed it behind him.

His first move was obvious. Tell Craiger before someone else did. He went to the switchboard and called the Hall of Justice. He asked for

Judge Andrews' court.

"Will you call Max Craiger to the phone?"

"Nobody here," the voice said.

"I'm sure he's there, in Judge Andrews' court. He's waiting for me. Will you look in the judge's chambers?"

"Hold the phone." There was silence for a few moments, and the voice came back.

"Must've gone out. Court's recessed for lunch."

Robert pulled out the cord, cut the switch. He remembered he was supposed to take the papers to Craiger. Well, no need for two trips. He gathered up such small belongings as he had accumulated during his stay, and prepared to leave the office for the last time. While engaged in this he heard what sounded like a grunt, or a groan, coming from Hines' office.

He was coming to.

Robert started for the door that let on to the corridor, but halted with his hand on the knob. That was a strange sound, any way you thought of it. He crossed the room, opened the door into Hines' office.

He lay there, just as Robert had left him. Yet there was a subtle difference. Hines' skin had a greyish tone Robert hadn't noticed before. He went over and looked more closely at the body. He dropped to his knees and felt for a pulse. He opened the shirt and felt for a heartbeat.

Hines was dead.

Robert stood over the corpse for a long time, and stared at the wall. Finally, he went back to the reception

room and sat at the switchboard. The police would have to know. He plugged into a trunk, and was about to dial when a light burned on an incoming line.

"Craiger and — Hines," Robert said.

"Robert? What's holding you up? I need those notes."

"Sorry, Mr. Craiger. I've just killed Mr. Hines."

THE police mop-up squad went to work in Hines' office while Robert was questioned by a lieutenant of detectives. A sergeant took stenographic notes of the interview. Robert told his story. It was interrupted once by a bespectacled man who came out of Hines' office to give the lieutenant a note, another time by the same man when he took Robert's fingerprints.

"So that's the story, eh?" the lieutenant said.

"That's it."

The lieutenant rubbed his square chin for a moment. "Trasker, you're just making it tougher for yourself. Come on, now, give us the truth."

"That is the truth," Robert said wearily.

"Like hell."

"I don't have to talk any more until Mr. Craiger gets here."

"No-o," the lieutenant said: "You don't. But what do you think Craiger's going to do?"

"I don't know."

"I do, bud. He's going to see that you burn, that's what he's going to do."

"Maybe."

"Whadda you expect? You kill a man's law partner, right in his own office, right under his very eyes, so to speak. He'll give you the works."

"He told me he'd be here as soon as —"

"Sure, he'll be here, to give evidence against you. Now, listen, Trasker, if you give us a full confession, we may be able to give you a break. I can't make any deals, you understand, but I can put a bug in the D.A.'s ear."

A patrolman came in, saluted. "Craiger's here, Loot. Wants to see ya."

"Show him in."

Craiger's normal affability was his chief characteristic. "Hi, boys," he said. The lieutenant and the sergeant smiled and replied. "Hello, Robert. They treating you all right?"

"Sure," Robert said.

"That's good. I don't like to have my clients pushed around."

The lieutenant's jaw dropped. "Your—what?"

Craiger chuckled. "You heard me, Lieutenant. And while you're about it, take those handcuffs off him. He's out on bond in my custody. Here are the papers."

The lieutenant pored over the writ Craiger handed him. He sighed presently. "Turn him loose," he said to the sergeant. "I don't get this at all."

Craiger chuckled again. "It's simple, really."

"Are you crazy?" the lieutenant demanded.

"Certainly not. I just don't believe he did it, that's all."

The lieutenant almost tore his hair.

"Look, Mr. Craiger, I know you're a smart cookie. But this is open and shut. Trasker is the only one who had the opportunity, the only one with a motive."

Craiger shook an admonitory finger. "Ah, ah."

The lieutenant moodily watched the handcuffs come off Robert's wrists. "Well?" he said to Craiger.

"Not to speak ill of the dead, Lieutenant, but there were several people who *thought* they had a motive for knocking Hines off."

The lieutenant made a face of disgust. "Sure, sure. This ex-con Harry Marvin was tickled pink when he heard the news. Maybe even the switchboard girl had a motive. But fifty people saw them downstairs at the time of the murder."

The lieutenant snorted.

"This kid admits he had a quarrel with Hines. He admits he hated the guy. He admits he socked him. So then he takes that paperweight and caves in the guy's head."

"Hey!" Robert cried. "What is this, a frame? I didn't hit him with anything but my fist."

"Yeah?" the lieutenant sneered.

"What's this about a paper weight?" Craiger demanded.

"Hines' head was crushed by that paperweight, and Trasker's fingerprints are all over it. Add two and two, and whadda you get? Murder, mister."

Craiger chuckled. His chuckle grew to a throaty laugh.

The lieutenant stared, popeyed. "What's so damn funny?"

"You'll see, Lieutenant, you'll see."

The lieutenant went through hair-tearing motions again. Then he relaxed. "Oh, the hell with it. I know you go around bragging you've never lost a case, Craiger—"

"And this goes for this one. Double."

"Nuts! This guy's going to be indicted for murder, convicted of murder, and burn for murder."

IN DUE course of time, the first part of the prediction came true. Robert was indicted for murder, and after the jury was selected, duly went on trial for his life.

Newspapers, of course, had a field day. The ex-district attorney was extolled as a paragon of solid citizenship, and Robert was interviewed by male reporters who asked if Hines was chiseling in on Robert's campaign with Peggy, and female reporters who wanted to know if Robert wore monogrammed shorts or ate Wheaties for breakfast.

The courtroom was crowded, and Peggy had a front row seat. She smiled now, and was quick to do so every time Robert's eyes met hers.

The prosecutor made no effort at forensic acrobatics. He stated the case against Robert succinctly:

Robert was a) alone in Hines' office, b) quarreled with Hines, c) struck Hines, d) Hines died from a blow; therefore, since Robert was alone there, nobody else *could* have killed him. If nobody else could, ladies and gentlemen of the jury, it follows as night the day that Robert Trasker, ex-convict on parole, who had hated Hines ever since his pre-

vious conviction, struck Hines with Exhibit A with intent to kill, and therefore is guilty of murder in the first degree. The State rests.

Recess.

Max Craiger began his plea the following day.

First of all, he called the attention of the jury to himself. He was very friendly.

"I feel that I should speak openly to your Honor and members of the jury on a subject which has, albeit indirectly, a vital bearing on this case. I refer to the rather unique relationship which exists between myself and Robert Trasker."

A little murmur ran over the courtroom; reporters made notes.

"It is true," Craiger went on, "that the defendant has been, to use an oft-repeated cliché of the public prints, my protege. It is true that my interest in him and his future is far greater than the normal interest of an attorney in his client. It is true that that interest might reasonably be described, and has many times been so described, as fatherly. Yet I ask you to think of me as simply a lawyer defending his innocent client. For he is innocent, despite the array of circumstantial evidence so ably presented by my esteemed opponent, and I shall prove him so!"

Craiger began a narrative. He told the jury, in detail, of Robert Trasker's childhood, and of the neighborhood in which he and his boyhood friends grew up. At first they hunted rabbits, and bird nests, and all the things little boys hunt. They grew older, times grew tougher, and in order to

keep body and soul together, ladies and gentlemen of the jury, they were forced to pick up food when and where they could. This was not regarded by them as crime, but as necessity.

Then came the debacle of the warehouse, planned by the oldest member of the gang. Robert Trasker was led to believe, your Honor, that the gang was simply going to play a joke on the old watchman. Well, the rest is history. Robert Trasker went to prison as an accessory to the fact.

Prison does strange things to people, members of the jury. Those whose moral fibre is weak it beats down. It didn't beat Robert Trasker down. Indeed not. He became a writer, and he wrote some of the finest prose of our day. When he came out of prison, he forgot old grudges and applied himself to the task of becoming a good citizen.

Keep uppermost in your minds, members of the jury, that the evidence produced thus far is strictly circumstantial. The State has not, cannot, produce a single eyewitness. Remember also that it is the law that you must exonerate Robert Trasker if any reasonable doubt of his guilt exists in your minds.

"Robert Trasker, take the stand."

Craiger got his effect. Pencils quivered in the hands of reporters, and photographers were shooting from all angles as Robert walked to the witness chair.

Robert took the oath, and looked at the jury.

One lady member gave him a tremulous smile; another was without

expression. The remainder were ready, he sensed, to judge him guilty.

Robert looked at Peggy. Her smile flashed, and she bumped her chin with a fist.

Craiger gave Robert a kindly smile. "For the record, Robert, will you give your full name?"

"Robert Loring Trasker."

Judge Andrews interrupted. "Will the defendant speak louder?" The question was put kindly.

He repeated his name.

"Relatives?" Craiger asked.

"I don't know. I was raised in an orphanage."

"Now," Craiger said, "before you begin your story, there are one or two extremely important points I wish to emphasize for the court. Now, Robert, how long was it between the time you hit Mr. Hines and went back into his office and found him dead?"

"Not long. Six or seven minutes, I guess."

"Long enough for someone to have entered the office by the back entrance, struck Mr. Hines with the paperweight, and left."

"It's obvious," Robert said. "I didn't do it. Somebody else must have."

"Objection," cried the prosecutor. "Leading the witness to conclusions unjustified by the evidence."

"May I remind the district attorney," Judge Andrews said coolly, "that the witness is on trial for his life? Objection overruled. Proceed."

"Thank you, your Honor," Craiger said. "Now, Robert, would you necessarily have heard such a person enter Mr. Hines' office?"

"Not if the person didn't want me to. Those doors are pretty thick. And Hines was out. There wouldn't have been any conversation."

"Right." Craiger glanced significantly at the jury, all of whom were following the testimony with complete concentration.

Craiger held up an ornamental paperweight, bronze, cast in the shape of a centaur. "Do you recognize this, Robert?"

"Yes, it was on Mr. Hines' desk."

"Will you tell the jury why you were in that office?"

Robert told the jury of Craiger's request and his consequent search for the papers.

"Then you found the notes after you had handled almost every item in the office?"

"Yes, I moved everything. Even the files."

"So therefore your fingerprints on this paperweight came about naturally, and do not necessarily have any criminal significance."

This point scored in the courtroom. A murmur ran about, and Judge Andrews tapped once for quiet.

"Then, when Mr. Hines found you in his office, he was irate and highly suspicious?"

"Yes."

"In fact, he suspected a plot against him involving Peggy, the switchboard girl, and a client of his named Harry Marvin?"

"Yes."

"Did he give any reason for his suspicions?"

"Yes. He said they were down getting an alibi while I searched

the office."

"Then you told him that their being together was natural, as they were in fact brother and sister?"

"I—"

A cold chill suddenly swept over Robert. He sat up at rigid attention. "What did you say?"

Craiger repeated. "You denied the charge of a plot, saying that Peggy and Harry Marvin were brother and sister?"

Robert didn't answer the question. He cast back in his mind, carefully recalling the incidents of that chaotic day. He turned to the judge.

"Your Honor, may I speak privately to my attorney for a few minutes?"

"If counsel has no objection," Judge Andrews said.

"I just thought of some new evidence, your Honor. It's very important."

"You may use my chambers."

Craiger was frowning as Robert followed him into the judge's chambers and locked the door.

"What is it, Robert?"

"Mr. Craiger, there's something I haven't told you."

"Why, Robert, you've told me everything. You've said so time after time. And we're winning. Someone *did* come in and kill Arthur, and I think we've established a reasonable doubt of your guilt. Now let's get back out there, and win!"

"I didn't tell you that Peggy was Harry Marvin's sister. I didn't tell anybody, except Hines, and he died before he could've told anybody else."

Craiger chuckled. "Now, Robert,

don't you think that's a little trivial?"

"No, because *you know about it*, and there's only one way you could find out. You couldn't have overheard it when Peggy told me, because you were out of the building. *The only other time it was mentioned was when I told Hines!*"

Robert paused, to let this sink in. Craiger's eyes were narrowed below a puzzled frown. He said nothing.

"Then," Robert said grimly, "we come to the clincher. You were in your office, listening. After I knocked him out, you came in and killed him."

Craiger's jaw dropped. He stared for a full second, then laughed with what seemed honest amusement.

"Robert, you're crazy."

Robert continued as if Craiger hadn't spoken. "It must have been that fifty grand." He took a short step toward Craiger.

"You hijacked the hijacker and used me for a cat paw. *That's* why you were so damned nice. *That's* why you got me out of prison. *That's* why you gave me a job. By God, I'll bet you even called Hines and told him I was in his office."

Robert took another step.

"You're going to talk, Craiger."

Without warning, he leaped, tackled Craiger around the knees. They both went down with a crash. With blind and desperate fury, Robert jumped in Craiger's face, kicked, hit, pounded.

"Help!" Craiger bellowed. "Somebody help!"

Robert grabbed Craiger by the throat and pounded the silvered head

on the floor. "Talk, damn you! The truth!"

He struck up a rhythm with every bump. "The truth . . . the truth . . . the truth . . ."

Hands began to hammer on the door, and voices clamored.

"The truth . . ." Robert snarled. "The truth . . ."

"All right!" Craiger gasped, and Robert loosened his thumbs. "All right! I killed him."

Robert got up and opened the door. Judge Andrews and a bevy of policemen charged in. Two of the policemen seized Robert by the arms.

"He killed Hines himself," Robert told the judge. "He just confessed."

Craiger was on his feet, now. "I'd have confessed to the burning of Rome, you crazy fool," he gasped. "You were trying to kill me."

"You were in your office when I phoned this court for you," Robert cried. "You weren't here. Whoever answered the phone looked for you. You weren't here."

Craiger looked at the judge. "I was in this very room, your Honor. The court was in recess, and I was working here."

"I see," Judge Andrews said. He looked at the two policemen. "Turn the boy loose," he said. He turned back to Craiger.

"On the day of the murder, Mr. Craiger, the floor of this office was being revarnished. The varnish did not dry until the following day."

Robert started for the door. He must tell Peggy.

Nobody stopped him.